

**Memorial Resolutions**

S. R. No. 40—By Senator Brooks: Memorial resolution for T. A. Binford.

S. R. No. 42—By Senator Aikin: Memorial resolution for Mrs. George W. Steely.

S. R. No. 45—By Senator Watson: Memorial for Charles Ray Varde-man.

**Congratulatory Resolutions**

S. R. No. 39—By Senator Grover: Extending congratulations to Mr. and Mrs. Kirby Lloyd Harding on the occasion of their twenty-fifth wedding anniversary.

S. R. No. 41—By Senator Brooks: Extending congratulations to Dr. E. Freeman Robbins for his contributions to the science of medicine.

S. R. No. 44—By Senator Watson: Congratulating Buster Scott for his long and successful career in theatre management.

**Adjournment**

On motion of Senator Aikin the Senate at 10:18 o'clock a.m. adjourned until 11:00 o'clock Monday, October 2, 1972.

**THIRD DAY**

(Monday, October 2, 1972)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hightower
Bates	Jordan
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Tippen
Grover	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word

**Absent—Excused**

Bridges	Moore
Hall	Snelson
Kennard	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, September 28, 1972, was dispensed with and the Journal was approved.

**Leaves of Absence**

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Bridges was granted leave of absence for today on account of important business on motion of Senator Bates.

Senator Kennard was granted leave of absence for today on account of important business on motion of Senator Wilson.

Senator Snelson was granted leave of absence for today on account of a death in the family on motion of Senator Herring.

Senator Hall was granted leave of absence for today on account of important business on motion of Senator Word.

**Messages From the Governor**

The following messages received from the Governor were read and filed with the Secretary of the Senate:

To All to Whom These Presents Shall Come:

Under the provisions of Article III, Section 40, of the Constitution of the State of Texas, I, Preston Smith, Governor of the State of Texas, do hereby submit as additional subjects for consideration in the Fourth Called Session, 62nd Legislature, the following:

(1) To enact legislation amending Article 6701d, Vernon's Texas Civil Statutes to correct inadequacies and problems created by Senate Bill 183, 62nd Legislature, Regular Session, 1971, relating to trailer brakes and trailer lights.

(2) To enact legislation exempting certain aviation schools and instructors from the Texas Proprietary

School Act by amending Section 32.12 of the Texas Education Code.

(3) To enact legislation appropriating six (6) million dollars to the University of Texas School of Medicine at Houston and seven and one-half (7½) million dollars to Texas Tech University School of Medicine at Lubbock, for the purpose of refunding construction appropriations which were transferred to the Department of Public Welfare in February, 1970.

(4) To enact legislation allowing disannexation of the territory of certain independent school districts from certain Junior College Districts by amending Sub-chapter D, Chapter 51, Texas Education Code.

In testimony whereof, I have hereunto signed my name officially and caused the Seal of State to be affixed hereto at Austin, this the 25th day of September, A.D., 1972.

[SEAL]

PRESTON SMITH,  
Governor of Texas.

Attest:

BOB BULLOCK  
Secretary of State

To All to Whom These Presents Shall Come:

Under the provisions of Article III, Section 40, of the Constitution of the State of Texas, I, Preston Smith, Governor of the State of Texas, do hereby submit as an additional subject for consideration in the Fourth Called Session, 62nd Legislature, the following:

(1) To consider legislation to define the role and responsibility of Texas State Government in the provision of adequate and efficient deep draft off-shore terminal facilities.

In testimony whereof, I have hereunto signed my name officially and caused the Seal of State to be affixed hereto at Austin, this the 27th day of September, A.D., 1972.

[SEAL]

PRESTON SMITH,  
Governor of Texas.

Attest:

BOB BULLOCK  
Secretary of State

To All to Whom These Presents Shall Come:

Under the provisions of Article III, Section 40, of the Constitution of the State of Texas, I, Preston Smith, Governor of the State of Texas, do hereby submit as additional subjects for consideration in the Fourth Called Session, 62nd Legislature the following:

(1) To enact legislation making supplemental appropriations not to exceed \$365,000.00 for financing of primary elections held during the year 1972.

(2) To enact legislation granting to the Governor authority to meet situations presenting an emergency and an imperative public necessity and providing for funding and administration of emergency funds.

(3) To enact legislation making an appropriation to the Governor for emergency use.

(4) To enact legislation to establish the Texas Film Commission as a Division in the Office of the Governor.

In testimony whereof, I have hereunto signed my name officially and caused the Seal of State to be affixed hereto at Austin, this the 28th day of September, A.D., 1972.

[SEAL]

PRESTON SMITH,  
Governor of Texas.

Attest:

BOB BULLOCK  
Secretary of State

The following messages received from the Governor were read and referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas  
October 2, 1972

To the Senate of the Sixty-second Legislature, Fourth Called Session:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be District Judge of the 50th Judicial District until the next general election and until his successor shall be duly elected and qualified:

To fill the unexpired term of Joe Reeder, Jr., of Knox City, Knox Coun-

ty, who resigned: R. J. Balch, of Seymour, Baylor County.

Respectfully submitted,  
PRESTON SMITH,  
Governor of Texas.

Austin, Texas  
October 2, 1972

To the Senate of the Sixty-Second Legislature, Fourth Called Session:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Chief Justice of the Supreme Court of the State of Texas: Joe Greenhill of Austin, Travis County.

(Judge Greenhill is being appointed to fill the unexpired term of Robert W. Calvert, of Austin, Travis County, whose resignation becomes effective October 4, 1972.)

To be Associate Justice of the Supreme Court of the State of Texas: Hawthorne Phillips of Austin, Travis County.

(Mr. Phillips is being appointed to fill a vacancy created upon acceptance of the Chief Justiceship by Judge Joe Greenhill on October 4, 1972.)

Respectfully submitted,  
PRESTON SMITH,  
Governor of Texas.

Austin, Texas  
October 2, 1972

To the Senate of the Sixty-second Legislature, Fourth Called Session:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be District Attorney of the 29th Judicial District until the next General Election and until his successor shall be duly elected and qualified: To fill the unexpired term of Sam Cleveland, of Stephenville, Erath County, who resigned: Robert J. Glasgow, of Stephenville, Erath County.

Respectfully submitted,  
PRESTON SMITH,  
Governor of Texas.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
October 2, 1972

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. 10, In memory of Mr. Clay H. Slack.

H. C. R. 11, In memory of Homer Thomas Wilson (Wick) Fowler.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

#### Co-Author of Senate Bill 18

On motion of Senator Creighton and by unanimous consent, Senator Schwartz will be shown as Co-author of S. B. No. 18.

#### Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 5.

#### Senate Resolution 47

Senator Hightower offered the following resolution:

Be It Resolved, By the Senate of the 62nd Legislature, 4th Called Session, that suitable office space in the Senate be provided from November 8, 1972, until the third Tuesday in January 1973 to help provide for the orderly transition for the Lieutenant Governor-elect and that the Chairman of the Administration Committee be authorized to assist the Lieutenant Governor-elect to insure efficient continuity in office.

The resolution was read and was adopted.

#### Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committees indicated:

By Senator Creighton:

S. B. No. 30, A bill to be entitled "An Act relating to the promotion

of the development of the film, television, and multimedia production industry in Texas by establishing the Texas Film Commission in the office of the Governor; making an appropriation; and declaring an emergency."

To Committee on Finance.

By Senator Schwartz:

S. B. No. 31, A bill to be entitled "An Act relating to the issuance of orders by the State Board of Insurance affecting the catastrophe property insurance pool; placing limitations on certain rates to be charged by the pool and providing that such rates may be competitive; amending the Texas Catastrophe Property Insurance Pool Act, as amended (Article 21.49, Vernon's Texas Insurance Code), by adding a new Section 5A and by adding a new Subsection (h) to Section 8; and declaring an emergency."

To Committee on Economic Development.

By Senator Aikin:

S. B. No. 32, A bill to be entitled "An Act making an appropriation to the Governor for emergency use in accordance with S. B. No. 27, Acts of the Sixty-second Legislature, Fourth Called Session, 1972; and declaring an emergency."

To Committee on Finance.

#### House Resolutions on First Reading

The following resolutions received from the House, were read the first time and referred to the Committees indicated:

H. C. R. No. 3, To Committee on Intergovernmental Relations.

H. C. R. No. 6, To Committee on Jurisprudence.

#### Senate Bill 19 on Second Reading

Senator Aikin for Senator Snelson moved to suspend the regular order of business and take up S. B. No. 19 for consideration at this time.

The motion prevailed.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 19, A bill to be entitled "An Act relating to disannexing the territory of certain independent

school districts from certain junior college districts and establishing new junior college districts; etc., and declaring an emergency."

The bill was read second time.

Senator Aikin for Senator Snelson offered the following amendment to the bill:

Amend Senate Bill No. 19 as follows:

(1) Substitute "130" for "51" where it occurs on the first line of Section 1 of the bill.

(2) Substitute "130.070" for "51.069" where it occurs on both the second and third lines of Section 1 of the bill.

(3) Substitute "130.122" for "51.102" where it occurs at the end of quoted Subsection (f) in Section 1 of the bill.

SNELSON  
AIKIN

The amendment was read and was adopted.

#### Record of Vote

Senator Blanchard asked to be recorded as voting "Nay" on the adoption of the amendment.

#### Record of Vote

Senator Brooks asked to be recorded as voting "Present, Not Voting" on the adoption of the amendment.

On motion of Senator Aikin and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Record of Vote

Senator Blanchard asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### Record of Vote

Senator Brooks asked to be recorded as voting "Present, Not Voting" on the passage of the bill to engrossment.

#### Senate Bill 19 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three

several days be suspended and that S. B. No. 19 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Jordan
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Christie	Patman
Connally	Schwartz
Creighton	Sherman
Grover	Tippen
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Nays—1

Blanchard

Present—Not Voting

Brooks

Absent—Excused

Bridges	Moore
Hall	Snelson
Kennard	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Jordan
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Christie	Patman
Connally	Schwartz
Creighton	Sherman
Grover	Tippen
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Nays—1

Blanchard

Present—Not Voting

Brooks

Absent—Excused

Bridges	Moore
Hall	Snelson
Kennard	

Reason for Vote

I have voted "Nay" on the various

votes regarding S. B. 19 for the reason that I believe a bad precedent will be set by disannexing a portion of a junior college district without permitting a district-wide vote on the question of disannexation.

H. J. BLANCHARD

Notice of Executive Session

Senator Christie gave notice that he would move for an Executive Session of the Senate at 9:00 o'clock a.m. on Wednesday.

Memorial Resolutions

H. C. R. No. 8—Memorial resolution for W. O. Jones. (Amended)

H. C. R. No. 10—Memorial resolution for Clay H. Slack. (Amended)

S. R. No. 46—By Senator Blanchard: Memorial resolution for Miles Langehennig. (Amended)

S. R. No. 50—By Senator Watson: Memorial resolution for Benjamin F. Dugger.

S. R. No. 51—By Senator Watson: Memorial resolution for Herbert I. Jones.

S. R. No. 53—By Senator Schwartz: Memorial resolution for John D. (Johnny) Browning.

Welcome and Congratulatory Resolutions

S. R. No. 48—By Senator Watson: Extending welcome to Bobby Read and James Lewis.

S. R. No. 49—By Senator Bernal: Extending congratulations to Mr. and Mrs. Philip R. Acosta on the birth of a son.

S. R. No. 52—By Senator Schwartz: Extending congratulations to the Shiloh African Methodist Episcopal Church on Dedication Ceremonies of Texas Historical Marker.

Recess

On motion of Senator Aikin the Senate at 11:40 o'clock a.m. took recess until 8:55 o'clock a.m. Wednesday, October 4.

APPENDIX

Sent to Governor

October 2, 1972

S. C. R. No. 4

S. C. R. No. 5

In Memory of

**Homer Thomas Wilson (Wick) Fowler**

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The President laid before the Senate the following resolution:

(House Concurrent Resolution 11)

Whereas, The keen mind, the hearty laugh, and the droll humor that made the name of Wick Fowler famous throughout the length and breadth of Texas, and the many lands where he chronicled the wars in which our nation has been engaged these past 30 years, have been stilled by death: this eminent Texas journalist died in Austin on Wednesday, September 27, 1972, at the age of 63; and

Whereas, Christened Homer Thomas Wilson Fowler, Wick had to be a humorist to overcome this start in life, and when he was called "Wick" by young brothers and sisters who couldn't say "Wilson," the name stuck and the "Wick Fowler" by-line in any of the newspapers for which he was correspondent made his articles the first to be read; and

Whereas, It has been said that Wick Fowler was a newsmen's journalist whose search for stories led him to circle the globe: he saw Adolph Hitler take over Germany, in 1933, returned to Europe and North Africa during World War II to follow the famed Texas 36th Division through Italy into France; he went through the battle of the Bulge, almost staying long enough in Europe for the fall of the Third Reich, which he saw created; he made a brief visit home to Austin before going to the Pacific to witness the final battles in the defeat of Japan; and

Whereas, He was accredited to the United States Navy Corps of war correspondents in the Pacific, to the Marine Corps on Okinawa; he formed a lasting friendship with Ernie Pyle when both were covering the 36th Division and later paid a sorrowful visit to the site where Pyle was killed with the Marines at Okinawa; and

Whereas, Two decades after Okinawa, Wick Fowler again covered the combat marines in Vietnam during the period when the fighting was the toughest of the war; and

Whereas, Wick, himself, was a National Guardsman for six years, a member of the 36th Texas Division he joined in 1927 and the same outfit he later covered in World War II; however, all branches of the armed forces claimed him—as soldier, sailor, and marine—because he was with them in combat; and

Whereas, Though he was denied the Biblical three score and ten years, he crowded such varied experiences and activities into the time allotted that he actually enjoyed many lifetimes: reporting was perhaps his greatest love, but he was also a merchant marine, a city policeman, a Texas highway patrolman, a lecturer, a special investigator, an aide to a governor and a United States senator, a musician, and a philanthropist; and

Whereas, His humor led him to package his own chili mix, at first only for members of the Chili Appreciation Society International of which he was a founder, but this joke turned into profit and his 2-Alarm Chili is now distributed across the nation and in several foreign countries; and

Whereas, Wick Fowler also was a founder of the annual Republic of Texas Chilympiad at San Marcos and was looking forward to attending the festivities scheduled for September 29 to October 1; he was a colonel in the Confederate Air Force and also planned to attend this organization's air show in San Marcos on October 1; and

Whereas, Although he was born in Big Sandy in Upshur County, had roots in Victoria where he attended school, was captain of his high school football team, and played French horn in the band between halves, Wick Fowler was also identified with Austin, with Dallas, with Terlingua in the Big Bend of West Texas; in fact, his citizenship and his big heart encompassed the entire State of Texas whose citizens, in turn, claimed him for their own; and

Whereas, Wick Fowler gave his time freely to many projects and he gave his money as well; his closest friends never knew how much he spent in helping people, but he was always generous and anxious to give of himself and his finances: he accompanied H. Ross Perot, the Dallas businessman who was attempting to get the release of American prisoners of war, to Vietnam; servicemen in Vietnam loved to see Wick coming, for he always seemed to have a load of his 2-Alarm Chili to distribute and the man whom they called "Chili Cong," for his explosive red powder, sometimes cooked chili for Marines in the field; and

Whereas, Wick is gone, but he leaves behind him a veritable treasure trove of his writings, his wit, his warm personality, and the thousands of friends who mourn his death; he will live on as the political scene changes and some man recalls a succinct remark by this master journalist that is timeless in application, as another man remembers the comfort he gave on the battlefield, as another Chilympiad is celebrated, and another recipient of his help blesses his goodness; now, therefore, be it

Resolved by the House of Representatives of the 62nd Legislature, 4th Called Session, the Senate concurring, That the Legislature of the State of Texas by this Resolution honor a cherished friend, a patriotic citizen, and a distinguished journalist, Wick Fowler, whose life was marked by giving to his fellowman; and, be it further

Resolved, That the Legislature extend deep sympathy to the members of his family: to his wife, Mrs. Bess Reed Fowler, and to his daughter, Ann Fowler Kennedy, and son, Gordon Fowler, all of Austin; to his two brothers and three sisters, Marion Fowler, Ike Fowler, Mrs. Brice Draper, Miss Irma Dean Fowler, all of Austin, and Mrs. Ralph Powers of Fort Worth; and to his four grandchildren; and, be it further

Resolved, That official copies of this Resolution be prepared for members of his immediate family and that when the two Houses of the Texas Legislature adjourn this day, they do so in tribute to and in memory of Wick Fowler.

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Herring, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Schwartz, Sherman, Snelson, Tippen, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Hightower and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Herring, the resolution was adopted by a rising vote of the Senate.

**THIRD DAY**  
(Continued)

(Wednesday, October 4, 1972)

**After Recess**

The Senate met at 8:55 o'clock a.m., and was called to order by Senator Aikin.

Reverend W. H. Townsend, Chaplain offered the invocation.

**Communication from the President of the Senate**

Senator A. M. Aikin, Jr.  
Texas State Senate  
Capitol Building  
Austin, Texas 78711

Dear Senator Aikin:

I hereby authorize you to preside over the Senate Wednesday, October 4, 1972.

Sincerely,  
BEN BARNES

**Message From the Governor**

The following message received from Governor was read and referred to Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas  
October 4, 1972

To the Senate of the Sixty-second Legislature, Fourth Called Session:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Members of the Advisory Council on Community Affairs: For a one-year term to expire January 31, 1973: Mayor L. W. Stolz, Jr., of La Grange, Fayette County; Mayor Louie Welch of Houston, Harris County; Tom R. Parrett of San Angelo, Tom Green County; Dr. John E. Hutchison of College Station, Brazos County; Watt Murrah of Del Rio, Val Verde County; Robert L. Peters of Odessa, Ector County; For a two-year term to expire January 31, 1974: Mayor Bernis W. Sadler of Port Arthur, Jefferson County; Judge Peyton M. Walters of Livingston, Polk County; Richard David Brown of Austin, Travis County; Edwin B. Daniel of Wichita Falls, Wichita County; Kenneth Barr of Fort Worth,

Tarrant County; James L. Philips of Houston, Harris County.

Respectfully submitted,  
PRESTON SMITH  
Governor of Texas.

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
October 3, 1972

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 12, In memory of Charles E. Coombes.

H. C. R. No. 13, In memory of Robert Lee Bobbitt.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**Reports of Standing Committees**

By unanimous consent, Senator Mauzy submitted the following report for the Committee on Education:

S. B. No. 18.

By unanimous consent, Senator Aikin submitted the following report for the Committee on Finance:

S. B. No. 27

S. B. No. 28

S. B. No. 30

S. B. No. 32

**Senate Bill 17 Referred**

The following bill was referred to the Committee indicated (the bill having been read first time on September 20 and submitted by the Governor as an emergency on October 2):

S. B. No. 17, To Committee on Finance.

**Executive Session**

On motion of Senator Christie and by unanimous consent the Senate agreed to hold an Executive Session at 9:00 o'clock a.m. today (he having given Notice on Monday.)

Accordingly, the Presiding Officer directed all those not entitled to at-